



**BOARD OF ADJUSTMENT
CITY OF SCOTTSDALE
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
JANUARY 4, 2006**

APPROVED

PRESENT: Terry Kuhstoss, Chair
Carol Perica, Vice-Chair
Howard Myers, Board Member
James Vail, Board Member
Jennifer Goralski, Board Member

ABSENT: Ernest Jones, Board Member
Neal Waldman, Board Member

STAFF PRESENT: Tim Curtis
Sherry Scott
Greg Williams
Kira Wauwie

CALL TO ORDER

The regular meeting of the Scottsdale Board of Adjustment was called to order by Chairman Kuhstoss at 6:10 p.m.

ROLL CALL

A formal roll call confirmed the members present as stated above.

1. **ADMINISTRATIVE ITEMS**

COMMISSIONER VAIL MOVED THAT RULE 407 BE CHANGED TO READ AS FOLLOWS: THE BOARD SHALL NOT HEAR NOR CONSIDER THE RECONSIDERATION OF ANY DECISION UNLESS A MOTION FOR RECONSIDERATION IS MADE PRIOR TO ADJOURNMENT OF THE MEETING WHEN THE DECISION WAS MADE. A MOTION FOR CONSIDERATION CAN ONLY BE MADE BY A BOARD MEMBER ON THE WINNING SIDE OF THE MOTION TO BE RECONSIDERED. THE MOTION

APPROVED 2/1/06

WAS SECONDED BY VICE-CHAIR PERICA AND CARRIED WITH A VOTE OF FOUR (4) TO ONE (1). COMMISSIONER GORALSKI DISSENTED.

A MOTION WAS MADE BY COMMISSIONER VAIL TO CHANGE THE ORDER OF THE AGENDA AND PLACE THE ELECTION OF OFFICERS AT THE END OF THE MEETING. SECONDED BY COMMISSIONER PERICA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

APPROVAL OF MINUTES

2. December 7, 2005 Board of Adjustment Study Session Minutes

VICE-CHAIR PERICA MOVED TO APPROVE THE DECEMBER 7, 2005 MINUTES OF THE STUDY SESSION AS PRESENTED. SECONDED BY COMMISSIONER GORALSKI. THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO ZERO (0).

3. December 7, 2005 Board of Adjustment Minutes

VICE-CHAIR PERICA MOVED TO APPROVE THE DECEMBER 7, 2005 MINUTES OF THE REGULAR MEETING AS PRESENTED. SECONDED BY COMMISSIONER GORALSKI. THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO ZERO (0).

REGULAR AGENDA

Chair Kuhstoss read the opening statement that describes the role of the Board of Adjustment and the procedures used in conducting this meeting.

4. 11-BA-2005 (Lamalfa Residence), request a Variance from Article VI. Section 6.1004.B regarding walls, fences, hedges, Article VI. Section 6.1004.C regarding accessory buildings, Article VI. Section 6.1071 regarding walls and Article VII. Section 7.200.A regarding accessory buildings.

A discussion ensued regarding the Applicant's request to continue the case due to the low number of Board Members present. The Applicant noted that he did not request the previous continuance. Tim Curtis recalled that the previous continuance was requested by staff in order to allow enough time to collect ample information for the Board report and packet.

COMMISSIONER VAIL MOVED TO GRANT A CONTINUANCE UNTIL THE FEBRUARY MEETING. SECONDED BY VICE-CHAIR PERICA. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

5. 15-BA-2005 (Scottsdale Ridge Office Suite), request a variance from Article V. Section 5.2204.E.2.a and 5.2204.E.3.a regarding yard setbacks when abutting a single-family residential district.

Commissioner Goralski recused herself and departed the meeting, submitting her declaration of conflict of interest to Chair Kuhstoss. The Applicant chose to proceed with the case although only four Board Members were present.

Greg Williams, Senior Planner, presented the case pursuant to the staff packet. Highlights included a map of the Scottsdale Ridge Office Suite. Mr. Williams also pointed out that the abutting area that is zoned residential is currently being used as an APS substation and will likely never be used as residential.

In response to a question by Commissioner Vail, Mr. Williams clarified that a small area jutting out to the right of the property would be virtually unusable because of power lines.

Steve Bower, Vice President of Shea Commercial addressed the Board. He reiterated the fact that the "finger" shown on the map would not be used anytime in the future due to the odd shape and the imposing power lines. Highlights of his presentation included a site plan indicating the location of the proposed parking structures. The Applicant also noted that the APS property is zoned RE-43 which is why the residential zoning is still applicable.

Mr. Bower explained the special circumstances unique to the site. He also pointed out that in order to maintain property value it is clearly intended, expected, and a normal course of business practice to provide covered parking.

Mr. Bower also argued that the area is not properly zoned and would be better zoned for commercial use. He noted that there has been no opposition from residents in the area. He further explained that the parking spaces would be substantially buffered by landscaping and mature trees.

Chair Kuhstoss reported receiving no comments cards regarding the matter.

Commissioner Myers opined that the parking structure is something that is needed. He noted that the four criteria have been virtually met and he will support the case.

Vice-Chair Perica opined that the four criteria are met and the use is a good use for the location. She will vote to approve the variance.

Commissioner Vail concurred with fellow Commissioners. He expressed displeasure with zoning that calls various properties residential when in fact the properties are not residential.

Chair Kuhstoss concurred with fellow Commissioners.

VICE-CHAIR PERICA MOVED TO APPROVE VARIANCE REQUEST 15-BA-2005. SECONDED BY COMMISSIONER MYERS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0). COMMISSIONER GORALSKI RECUSED.

ELECTION OF OFFICERS

COMMISSIONER VAIL MOVED TO APPOINT VICE-CHAIR PERICA AS THE NEW CHAIRPERSON. SECONDED BY COMMISSIONER MYERS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

VICE-CHAIR PERICA MOVED TO APPOINT COMMISSIONER GORALSKI AS THE NEW VICE-CHAIR. SECONDED BY COMMISSIONER MYERS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

Exiting officers were thanked by fellow Commissioners for a job well done.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 6:37 p.m.

Respectfully submitted,
A/V Tronics, Inc.